

Exhibit A-1



**Service of Process
Transmittal**

09/24/2021

CT Log Number 540300326

TO: Gail Cohen
Matrix Absence Management, Inc.
2421 W PEORIA AVE STE 200
PHOENIX, AZ 85029-4940

RE: Process Served in New York

FOR: Matrix Absence Management, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Andrea Brown, A New York Resident vs. Dollar General Corporation

DOCUMENT(S) SERVED: --

COURT/AGENCY: None Specified
Case # 9000588

ON WHOM PROCESS WAS SERVED: C T Corporation System, New York, NY

DATE AND HOUR OF SERVICE: By Process Server on 09/24/2021 at 12:21

JURISDICTION SERVED : New York

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 09/24/2021, Expected Purge Date: 09/29/2021

Image SOP

Email Notification, Marti Cardi marti.cardi@matrixcos.com

Email Notification, Gail Cohen gail.cohen@matrixcos.com

Email Notification, April Simmons april.simmons@matrixcos.com

Email Notification, Armando Rodriguez armando.rodriguez@matrixcos.com

REGISTERED AGENT ADDRESS: C T Corporation System
28 Liberty Street
New York, NY 10005
866-203-1500
DealTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Fri, Sep 24, 2021
Server Name: NY-NYC DROPOFFPROCESSSERVER

Entity Served MATRIX ABSENCE MANAGEMENT, INC.
Case Number 9000588
Jurisdiction NY



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WYOMING

ANDREA BROWN, a New York resident,

Plaintiff,

– against –

DOLLAR GENERAL CORPORATION, a foreign
business corporation; and MATRIX ABSENCE
MANAGEMENT, INC., a foreign business
corporation,

Defendants.

Index No.: 9000588

Date Filed:

September 22, 2021

SUMMONS

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon the Plaintiffs' attorney an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is that a substantial part of the events or omissions giving rise to the claims occurred in Wyoming County, pursuant to CPLR § 503(a).

Dated: September 23, 2021

s/ Paul S. Grosswald

Paul S. Grosswald, Esq.
FRITZ, GROSSWALD & WALTERS, LLC
350 Main Street
West Orange, NJ 07052
Phone: (973) 744-2223
Fax: (973) 744-0719
Email: fritzgrosswaldwalters@gmail.com

-and-

227 Ardito Avenue
Kings Park, NY 11754
Attorneys for Plaintiff Andrea Brown

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF Wyoming

-----X
Andrea Brown

Plaintiff/Petitioner,

- against -
Dollar General, et al.

Index No.9000588

Defendant/Respondent.
-----X

NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: nyscef@nycourts.gov).

Dated: 9/23/21

Paul Grosswald

Name

Fritz, Grosswald & Walters, LLC

Firm Name

227 Ardito Avenue

Kings Park, NY 11754

Address

(973) 744-2223

Phone

fritzgrosswaldwalters@gmail.com

E-Mail

To: Dollar General Corporation

100 Mission Ridge

Goodlettsville, TN 37072

2/24/20

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF Wyoming

-----X
Andrea Brown

Plaintiff/Petitioner,

- against -

Index No.9000588

Dollar General, et al.

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WYOMING

ANDREA BROWN, a New York resident,

Plaintiff,

– against –

DOLLAR GENERAL CORPORATION, a foreign
business corporation; and MATRIX ABSENCE
MANAGEMENT, INC., a foreign business
corporation,

Defendants.

Index No.:

Date Filed:

SUMMONS

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon the Plaintiffs' attorney an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is that a substantial part of the events or omissions giving rise to the claims occurred at 4958 State Hwy 23, Oneonta, New York 13820, in Otsego County, pursuant to CPLR § 503(a).

Dated: September 22, 2021

s/ Paul S. Grosswald

Paul S. Grosswald, Esq.
FRITZ, GROSSWALD & WALTERS, LLC
350 Main Street
West Orange, NJ 07052
Phone: (973) 744-2223
Fax: (973) 744-0719
Email: fritzgrosswaldwalters@gmail.com

-and-

227 Ardito Avenue
Kings Park, NY 11754
Attorneys for Plaintiff Andrea Brown

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WYOMING

ANDREA BROWN, a New York resident,

Plaintiff,

– against –

DOLLAR GENERAL CORPORATION, a foreign
business corporation; and MATRIX ABSENCE
MANAGEMENT, INC., a foreign business
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Defendants.

Index No.:

Date Filed:

COMPLAINT

JURY TRIAL DEMANDED

The Plaintiff, by and through the undersigned attorney, by way of Complaint against the
above-named Defendants, hereby alleges the following:

INTRODUCTION

1. This case arises from Dollar General wrongfully terminating Plaintiff after she applied
for disability benefits.

PARTIES

2. PLAINTIFF ANDREA BROWN ("Plaintiff") is an individual residing in the State of
New York.
3. DEFENDANT DOLLAR GENERAL CORPORATION ("Defendant Dollar General" or
"Dollar General") is a foreign limited liability company doing business in New York.
4. DEFENDANT MATRIX ABSENCE MANAGEMENT, INC. ("Defendant Matrix" or
"Matrix") is a foreign limited liability company doing business in New York.

JURISDICTION & VENUE

Subject Matter Jurisdiction

5. This Court has subject matter jurisdiction over this action pursuant to Article VI, Section 7(a) of the New York Constitution, which grants this Court general original jurisdiction.

Personal Jurisdiction

6. This Court has personal jurisdiction over Defendant Dollar General pursuant to CPLR § 302(1) because it transacts business within the State of New York or contracts to supply goods or services in the State; and pursuant to CPLR § 302(2), because it committed tortious acts within the State of New York, as alleged herein.
7. This Court has personal jurisdiction over Defendant Matrix pursuant to CPLR § 302(1) because it transacts business within the State of New York or contracts to supply goods or services in the State; and pursuant to CPLR § 302(2), because it committed tortious acts within the State of New York, as alleged herein.

Venue

8. Venue in this Court is appropriate pursuant to CPLR § 503(a), in that a substantial part of the events or omissions giving rise to the claims occurred in Wyoming County.

GENERAL ALLEGATIONS

9. In September 2020, Plaintiff started working at the Dollar General store in Warsaw, New York as a store manager.
10. On March 5, 2021, Plaintiff went out on medical leave due to unresolved health issues.
11. As of March 5, 2021, Plaintiff had received permission from her district manager to go out on medical leave.

12. Also on March 5, 2021, Plaintiff applied for disability benefits with Matrix, which is Dollar General's disability provider.
13. In response to Plaintiff's application, Matrix opened a case file for Plaintiff on March 7, 2021, and Plaintiff began receiving weekly disability payments on March 14, 2021.
14. Plaintiff's medical issues resulted in her needing surgery to remove a tumor on May 19, 2021.
15. Matrix gave Plaintiff a return to work date of June 14, 2021.
16. Then, on June 2, 2021, Plaintiff was terminated by Dollar General, without just cause, while she was out on disability.
17. Prior to going out on disability, Plaintiff had been a stellar employee.
18. Plaintiff had no write-ups and no disciplinary actions on her record.
19. Plaintiff had even received a raise in January 2021, just two months before going out on disability.

CAUSES OF ACTION¹

COUNT 1

DISABILITY DISCRIMINATION / WRONGFUL TERMINATION

Pursuant to New York Executive Law § 296

(Against Defendant Dollar General)

20. Plaintiff repeats and realleges all of the allegations above as if set forth at length herein.
21. In relevant part, New York Executive Law § 296 prohibits discrimination, or adverse employment decisions, based on a disability.
22. Plaintiff's tumor, which gave rise to medical issues that precluded her from being able to work, constituted a disability under New York Executive Law § 292(21), in that it was a

¹ To the extent the counts herein are contradictory or inconsistent with each other, they are pled in the alternative.

physical and medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevented the exercise of Plaintiff's normal bodily functions and was demonstrable by medically accepted clinical or laboratory diagnostic techniques.

23. There was no legitimate business reason for Dollar General to terminate Plaintiff while she was out on disability leave; rather, Dollar General terminated Plaintiff *because* she was out on disability leave.
24. Therefore, Dollar General's termination of Plaintiff was wrongful, and was a violation of § 296.
25. As a direct and proximate result of Plaintiff's wrongful termination by Dollar General, Plaintiff has suffered economic damages, in the form of lost income.
26. As a direct and proximate result of Plaintiff's wrongful termination by Dollar General, Plaintiff's health insurance was canceled - right at the time that she received extensive medical bills arising out of her surgery and post-op care.
27. As a direct and proximate result of Plaintiff's wrongful termination by Dollar General, Plaintiff has suffered emotional damages.

WHEREFORE, Plaintiff prays for judgment against Defendant Dollar General for the following:

- A. compensatory damages;
- B. back pay;
- C. front pay;
- D. punitive damages;
- E. reasonable attorney's fees and costs, as permitted by law;
- F. pre- and post-judgment interest on all monetary awards; and

G. any other relief deemed just and equitable by the court.

COUNT 2

**NEGLIGENCE
(Against Defendant Matrix)**

28. Plaintiff repeats and realleges all of the allegations above as if set forth at length herein.
29. Defendant Matrix owed a duty of care to Plaintiff as the disability provider that was managing her disability claim.
30. That duty of care required Matrix to properly process Plaintiff's disability claim.
31. On information and belief, Defendant Matrix breached its duty by failing to properly process Plaintiff's disability claim, or by engaging in other actions or omissions that resulted in Dollar General failing to recognize that Plaintiff was entitled to be out on disability leave, causing Dollar General to fire Plaintiff.
32. As a direct and proximate result of the negligence of Defendant Matrix, Plaintiff has suffered economic and emotional damages.
33. Defendant Dollar General's negligence was egregious such that it amounts to willful indifference.

WHEREFORE, Plaintiff prays for judgment against Defendant Matrix for the following:

- A. compensatory damages;
- B. back pay;
- C. front pay;
- D. punitive damages;
- E. reasonable attorney's fees and costs to the extent permitted by law;
- F. pre- and post-judgment interest on all monetary awards; and

G. any other relief deemed just and equitable by the court.

ADDITIONAL FACTS PERTAINING TO PUNITIVE DAMAGES

34. All of the Defendants' conduct as alleged herein was willful and wanton, and motivated by malice, with an intent to cause harm to Plaintiff.
35. Alternatively, or additionally, all of the Defendants' conduct as alleged herein was grossly negligent.
36. Alternatively, or additionally, all of the Defendants' conduct as alleged herein was reckless.
37. The actions of the Defendants as alleged herein, if not stopped, will cause many other people to be seriously harmed.
38. The actions of the Defendants as alleged herein create a continuing risk of harm to current and future employees of Defendant Dollar General, and to current and future employees of any entity that utilizes Defendant Matrix as its disability provider.
39. The public policy of the State of New York mandates that such employees should be protected from being harmed by similar acts in the future.

Dated: September 22, 2021

s/ Paul S. Grosswald

Paul S. Grosswald, Esq.
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350 Main Street
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-and-

227 Ardito Avenue
Kings Park, NY 11754
Attorneys for Plaintiff Andrea Brown

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WYOMING

ANDREA BROWN, a New York resident,

Plaintiff,

– against –

DOLLAR GENERAL CORPORATION, a foreign business corporation; and MATRIX ABSENCE MANAGEMENT, INC., a foreign business corporation,

Defendants.

Index No.:

Date Filed:

PART 130 AFFIRMATION

[illegible]

I, Paul S. Grosswald, an attorney admitted to the practice of law before the courts of the State of New York, and not a party to the above-entitled cause, affirm the following to be true under the penalties of perjury pursuant to CPLR 2106:

All of the papers that I have served, filed or submitted to the court in this action are not frivolous as defined in subsection (c) of Section 130-1.1 of the Rules of the Chief Administrator of the Courts.

Dated: September 22, 2021

s/ Paul S. Grosswald

Paul S. Grosswald, Esq.
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-and-

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